

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 2, 2015

TO: Office of Commission Clerk (Stauffer)

FROM: Office of the General Counsel (Corbari) *KFC AT*
Office of Consumer Assistance and Outreach (Hicks) *EA*
Office of Telecommunications (Casey) *[Signature]*

RE: Docket No. 140222-TC – Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

AGENDA: 04/16/15 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

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15 APR -2 AM 11:13
COMMISSION
CLERK

Case Background

Staff opened Docket No. 140222-TC to initiate show cause proceedings against Tri-County Telephone, Inc. (Tri-County or Company) for apparent violations of Florida Statutes and Commission rules and regulations in failing to: maintain an operable pay telephone, reply to customer complaints, maintain current contact information with the Commission, and maintain current corporation status with the Florida Secretary of State.

On January 14, 2015, the Commission issued Order No. PSC-15-0049-SC-TC¹ (Show Cause Order), ordering Tri-County to show cause in writing within 21 days of the issuance of the Order why it should not be penalized \$2,000 or its Pay Telephone Certificate No. 7903 cancelled for apparent violations of Sections 364.335(2) and 364.3375(2), Florida Statutes (F.S.), and Rules 25-4.0051 and 25-22.032(6)(b), Florida Administrative Code (F.A.C.) Pursuant to the Show Cause Order, Tri-County's response was due on February 4, 2015. On February 2, 2015, Tri-County filed a response to the Order to Show Cause, wherein it offered to submit a \$300.00 penalty to resolve the apparent violations and to voluntarily surrender its certificate.² Finally, Tri-County is in compliance with Section 364.336, F.S., and Rule 25-4.0161, F.A.C., having submitted its 2014 and 2015 Regulatory Assessment Fees to the Commission on March 11, 2015.

The Commission has jurisdiction pursuant to Chapter 364, F.S., Rule 25-4.0051, F.A.C., and Rule 25-22.032, F.A.C.

¹ See Order No. PSC-15-0049-SC-TC, issued January 14, 2015, in Docket No. 140222-TC, In re: Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25-22.032(6)(b), F.A.C., Customer Complaints.

² See Document No. 00711-15, in Docket No. 140222-TC, Letter from Tri-County Telephone, Inc., dated January 27, 2015, attached hereto as Attachment A.

Discussion of Issues

Issue 1: Should the Commission accept the settlement offer proposed by Tri-County Telephone, Inc., to resolve the apparent violations of Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C.?

Recommendation: Yes. The Commission should accept the settlement offer proposed by Tri-County Telephone, Inc., to resolve the apparent violations of Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C. Tri-County should be required to remit a penalty in the amount of \$300.00 to the Commission within fourteen (14) days from the date of the Commission Order. Tri-County's Pay Telephone Certificate No. 7903 should be cancelled effective the date Tri-County's \$300.00 payment is received by the Commission. Tri-County should identify the docket number and company name with its penalty payment, and the Commission should forward the penalty to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, F.S. (Corbari, Casey, Hicks)

Staff Analysis:

On February 2, 2015, Tri-County filed a letter in response to the Commission's Show Cause Order and offered to submit a \$300.00 penalty and voluntarily surrender its certificate in an effort to fully resolve the apparent violations of Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C. In its response, Tri-County states that it stopped operating pay telephones in 2009, at which time Tri-County disconnected and removed all of its pay telephones. The pay telephone that is the subject of this complaint was thought to have been removed by Tri-County.³ Although Tri-County ceased operating pay telephones, it maintained its Pay Telephone Certificate No. 7903 and submitted its annual Regulatory Assessment Fees (RAFs).⁴

The goal of any show cause proceeding is to ensure compliance with Florida law and the Commission's rules and orders. Staff is recommending approval of the settlement proposed by Tri-County. Staff believes that the settlement proposal accomplishes this goal, as well as provides a remedy for apparent past violations. Staff further believes that the Commission's approval of the settlement is in the public interest. Staff believes that approval of the settlement offer will promote administrative efficiency and will avoid the time and expense of a hearing.

³ Between the initial reporting of the customer complaint and the issuance of the Commission's Show Cause Order, the pay telephone was removed by the property manager of the site where the pay telephone was located.

⁴ On March 11, 2015, Tri-County submitted its 2014 RAFs, including penalties and interest, as well as its RAFs for 2015.

Therefore, staff recommends that the Commission approve the proposed settlement offer submitted by Tri-County. Tri-County should be required to remit a penalty in the amount of \$300.00 to the Commission within fourteen (14) days from the date of the Commission Order. Tri-County's Pay Telephone Certificate No. 7903 should be cancelled effective the date Tri-County's \$300.00 payment is received by the Commission. Tri-County should identify the docket number and company name with its penalty payment, and the Commission should forward the penalty to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, F.S.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, this docket should be administratively closed upon receipt of Tri-County Telephone, Inc.'s \$300.00 penalty payment and cancellation of Tri-County's Pay Telephone Certificate No. 7903. (Corbari)

Staff Analysis: If the Commission approves staff's recommendation in Issue 1, this docket should be administratively closed upon receipt of Tri-County Telephone, Inc.'s \$300.00 penalty payment and cancellation of Tri-County's Pay Telephone Certificate No. 7903.

FILED FEB 02, 2015
DOCUMENT NO. 00711-15
FPSC - COMMISSION CLERK

Tri-County Telephone Inc.
P.O. Box 667812
Pompano Beach, FL 33066
561-705-5280

January 27, 2015

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Re: Order No. PSC-15-0049-SC-TC / Docket No. 140222-TC

"ORDERED by the Florida Public Service Commission that Tri-County Telephone Company, Inc. show cause, in writing, within 21 days why it should not be penalized \$2,000 or its Certificate No. 7903 cancelled for violating Sections 364.335(2) and 364.3375(2), F.S., and Rules 25-4.0051 and 25-22.032(6)(b), F.A.C. Tri-County Telephone Company, Inc.'s response shall reference Docket No. 140222-TC, in re: Initiation of show cause proceedings against Tri-County Telephone, Inc. for apparent violation of Section 364.335(2), F.S., Application for Certificate of Authority, Section 364.3375(2), F.S., Pay Telephone Service Providers, Rule 25-4.0051, F.A.C., Current Certificate Holder Information, and Rule 25022.032(6)(b), F.A.C., Customer Complaints."

In response to Sections 364.335(2) and 364.3375(2) and Rules 25-4.0051 and 25-22.032(6)(b):

Tri-County Telephone Inc. stopped operating phones in 2009. The phone in this reference was disconnected during this time, and assumed to have been removed from the building.

Tri-County Telephone Inc. kept Certificate No. 7903 renewed every year since that time, while operating no phones.

Tri-County Telephone Inc. was hoping that the payphone industry would re-organize and that we eventually re-establish this business.

Tri-County Telephone Inc. has only maintained the post office box, and not a physical location, as we were doing no business.

Tri-County Telephone Inc. has in no way had malicious intent, and has acted innocently in the problems that have occurred. We apologize for any difficulties that have resulted, and ask if we voluntarily surrender our license, and pay a fine in the amount of \$300.00 (three hundred dollars) that this case be resolved and closed.

Sincerely yours,



Debbie Little, Director
Tri-County Telephone, Inc.
P.O. Box 667812
Pompano Beach, FL 33066
561-705-5280

REC'D
15 FEB - 2 AM 10:20
COMMISSION CLERK